

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Anthony Wallace v. PennyMac Loan Services, LLC; David A. Spector; Daniel S. Perotti

Wallace · No. 2:25-cv-02297-APG-EJY · Decided December 29, 2025

SUMMARY

The United States District Court for the District of Nevada denied Anthony Wallace’s motion for early discovery. The court held that Wallace had not shown good cause to obtain discovery before the Rule 26(f) conference, particularly because a motion to dismiss and a motion to stay discovery were pending and no imminent need for expedited discovery had been demonstrated.

CASE DETAILS

|                       |                                                                                                                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Nevada                                                                                                                                   |
| WRITING FOR THE COURT | Elayna J. Youchah                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the District of Nevada                                                                                                                                   |
| DECIDED               | December 29, 2025                                                                                                                                                                         |
| DOCKET                | 2:25-cv-02297-APG-EJY                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Plaintiff moved for early discovery before the Rule 26(f) conference while defendants' motion to dismiss was fully briefed and a motion to stay discovery was pending.                    |
| STANDARD OF REVIEW    | The court applied the good-cause standard for permitting discovery before the Rule 26(f) conference, weighing the need for expedited discovery against prejudice to the responding party. |
| PRECEDENTIAL VALUE    | Unpublished district-court order; precedential status is unknown.                                                                                                                         |
| PARTIES               | Anthony Wallace v. PennyMac Loan Services, LLC, David A. Spector, Daniel S. Perotti                                                                                                       |

TOPICS

- discovery dispute
- civil procedure
- motions to dismiss
- real estate

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Plaintiff established good cause under Federal Rule of Civil Procedure 26(d)(1) to obtain discovery before the parties' Rule 26(f) conference.

## HOLDINGS

1. Plaintiff did not establish good cause under Federal Rule of Civil Procedure 26(d)(1), so the court denied the motion for early discovery.

## KEY QUOTATIONS

*“To seek relief from Rule 26(d)(1), the plaintiff must show good cause.”* (at 1)

*“Good cause may be found “where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party.””* (at 1)

*“Accordingly, IT IS HEREBY ORDERED that Plaintiff’s Motion for Early Discovery (ECF No. 14) is DENIED.”* (at 2)

## FACTUAL BACKGROUND

Plaintiff sought early discovery concerning alleged fraud, his RESPA claim, and defendants' authority to service his loan. The defendants had appeared, were actively defending the case, and had filed a fully briefed motion to dismiss arguing that Plaintiff could not state a claim as a matter of law. Plaintiff did not identify an imminent need for discovery, seek defendants' identities, pursue immediate injunctive relief, or address defendants' pending motion to stay discovery.

## PROCEDURAL HISTORY

Plaintiff filed this federal action against PennyMac Loan Services, LLC, David A. Spector, and Daniel S. Perotti. Before the parties' Rule 26(f) conference, Plaintiff moved for early discovery, seeking documents and information concerning alleged fraud, a RESPA claim, and defendants' authority to service his loan. Defendants opposed the motion, had appeared and were actively defending the case, and had filed a fully briefed motion to dismiss and a motion to stay discovery. The court denied the motion for early discovery.

## DISPOSITION

other

## CASES CITED

- *Semitool, Inc. v. Tokyo Electron America, Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002)
- *Apple Inc. v. Samsung Electronics Co.*, 768 F. Supp. 2d 1040, 1044 (N.D. Cal. 2011)
- *Twitch Interactive, Inc. v. Johnston*, 2017 WL 1133520, at \*2 (N.D. Cal. Mar. 27, 2017)

- Adobe Systems Inc. v. Bunhey, 2013 WL 12140304, at \*1 (C.D. Cal. Oct. 29, 2013)
- Zavala v. Kruse-Western, Inc., 2019 WL 3219254, at \*2 (E.D. Cal. July 17, 2019)
- Jones v. Micron Technology, Inc., 2019 WL 5406824, at \*2 (N.D. Cal. Oct. 13, 2019)
- Contentguard Holdings, Inc. v. ZTE Corp., 2013 WL 12072533, at \*2 (S.D. Cal. Jan. 16, 2013)
- Pink Lotus Entertainment, LLC v. Doe, 2012 WL 260441, at \*\*2-3 (E.D. Cal. Jan. 23, 2012)

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